

REMARKS

I. INTRODUCTION

Claims 1 and 33 have been amended to clarify the subject matter recited in these claims. Accordingly, claims 1-43 are now under consideration in the above-referenced application. Claims 1-5, 7, 8, 14-21 and 33-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,449,720 entitled "Public Cryptographic Control Unit and System Therefor" to Sprague et al. (the "Sprague Reference"). Claims 6, 9-13, 22-32 and 37-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprague in view of U.S. Patent Application Pub. No. 2004/0015961 entitled "Method and Apparatus for Automatic Prerequisite Verification and Installation of Software" of Thomas E. Chefalas (the "Chefalas Reference"). Reconsideration and withdrawal of the rejections set forth in the Official Action of July 16, 2004, are respectfully requested in view of the following remarks. It is respectfully submitted that no new matter has been added.

II. THE OBJECTION TO THE SPECIFICATION

The specification has been amended in accordance with the Examiner's suggestion. As such, the objection to the specification should be withdrawn.

**III. THE REJECTIONS UNDER
35 U.S.C. § 102(e) SHOULD BE WITHDRAWN**

Claims 1-5, 7, 8, 14-21 and 33-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Sprague Reference. It is respectfully asserted that presently pending independent claims 1 and 33 and the claims which depend therefrom are in no way taught or suggested by the Sprague Reference for at least the reasons as set forth below.

In order to render a claim anticipated under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claim in exactly the same way. *See Lindeman Maschinenfabrik v. Am Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

Applicants' invention, as recited in amended independent claim 1, relates to a method for securely installing an applet on a computer system. The method includes, *inter alia*, the steps of determining from at least a portion of the applet whether the applet is capable of being executed by a secure processor, and installing the applet on the secure processor if the secure processor is capable of executing the applet. Amended independent claim 33 relates to a system which includes similar recitations.

The Sprague Reference discloses a method and apparatus for using a cryptographic control unit as a universally available, public cryptographic control unit in a system shared by multiple independent users. (Sprague Reference, col. 1, Ins. 56 – 59). This reference also discloses granting permission to load and run an applet inside of a crypto unit if a remote cryptographic operations center (OPC) has authorized the

loading and running of the particular applet, which is identified by a given serial number. (Sprague Reference, col. 3 Ins. 13-21, and col. 15, Ins. 50-55).

As to claims 1-5, 7, 8, 14-21 and 33-36, Applicants respectfully assert that the Sprague Reference does not disclose a method or system for securely installing an applet on a computer system which, *inter alia*, determines from at least a portion of the applet whether the applet is capable of being executed by a secure processor, wherein the portion of the applet includes at least one of a security meta-data portion, a resource meta-data portion, and a meta-data signature portion, as explicitly recited in amended independent claims 1 and 33 of the above-identified application.

Claims 2-5, 7, 8, 14-21 and 34-36 depend from at least one of the independent claims described above. Thus, the arguments discussed above with respect to amended independent claims 1 and 33 also apply equally to their dependent claims, and are thus incorporated herein by reference

IV. THE REJECTION UNDER 35 U.S.C. § 103 SHOULD BE WITHDRAWN

Claims 6, 9-13, 22-32 and 37-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Sprague Reference in view of the Chefalas Reference. Applicants assert the Chefalas Reference is not an effective 35 U.S.C. § 102 reference for rejecting claims 6, 9-13, 22-32 and 37-43 of the above-referenced application because it has now been antedated via a declaration pursuant to 37 C.F.R. § 1.131, and thus cannot be combined with the Sprague Reference for rejecting these claims under 35 U.S.C. § 103(a).

The Chefalas Reference is a patent publication having a filing date of March 19, 2001 (the "Critical Date"). (See M.P.E.P. §2136.03). In order to antedate the Chefalas Reference, Applicants may file a Declaration pursuant to 37 C.F.R. § 1.131 (the "131 Declaration") affirming that they completed the inventions of claims 1-43 of the above-identified patent application, in this country, WTO country or NAFTA country, prior to the Critical Date. (See 37 C.F.R. § 1.131, M.P.E.P. §2136.05). Without addressing whether the above relevant §103(a) rejections of claims 6, 9-13, 22-32 and 37-43 are proper (i.e., which rely on the Chefalas Reference), Applicants respectfully assert that the Chefalas Reference is no longer an effective § 102(e) reference for claims 1-43 because it has now been antedated via the 131 Declaration. Applicants reserve the right to address and traverse this §103(a) rejection at any point during the prosecution of the above-referenced application.

Accordingly, without the ability to be combined with the Chefalas Reference, the Sprague Reference fails to teach or suggest each and every element of claims 6, 9-13, 22-32 and 37-43, nor does the Examiner contend that they do. In fact, the Examiner confirms that without combining with the Chefalas Reference, the Sprague Reference fails to teach or suggest each and every recitation as provided in claims 6, 9-13, 22-32 and 37-43 of the above-referenced application. Thus, the § 103(a) rejection of claims 6, 9-13, 22-32 and 37-43 should be withdrawn.

V. SUMMARY

Accordingly, the Sprague Reference does not teach or suggest, much less disclose the subject matter recited in amended independent claims 1, 22, 30, 33, 37 and 38, and the claims which depend therefrom. Therefore, an affirmation of patentability is respectfully requested for pending claims 1-43.

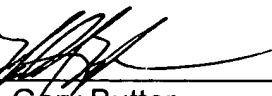
VI. CONCLUSION

In light of the foregoing, Applicants respectfully submit that pending claims 1-16 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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